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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,477	06/30/2000	Marcus Maranhao	50325-0115	2232
29989	7590	01/26/2005	EXAMINER	
HICKMAN PALERMO TRUONG & BECKER, LLP			NGUYEN, STEVEN H D	
2055 GATEWAY PLACE			ART UNIT	
SUITE 550			PAPER NUMBER	
SAN JOSE, CA 95110			2665	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/608,477	Applicant(s) MARANHAO, MARCUS	
	Examiner Steven HD Nguyen	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-11, 14, 15 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-11, 14, 15 and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/15/04 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4, 7-9, 11-15, 18-19 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabenko (US 2002/0006137) in view of Rochberger (USP 6760309).

Rabenko discloses (Figs 1-16 and Page 1, sec 2 to page 27, Sec 268) a network device that can transmit voice, voiceband data and phone signaling via a network (Fig 1a) comprising a Codec configured to receive analog phone signals and generate digitized voice, and digitized voiceband data (Fig 16, Ref 1608); a SLIC configured to receive analog phone signaling and generate digitized phone signaling (Fig 16 is a network device that includes SLIC, Ref 1610); a network interface for interfacing to an LAN that follows a local area network protocol that supports levels of transmission priority for transmitting data without a separate voice dedicated

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network and without a logically separate voice network (See Page 3, Sec 44-47 and Page 15, sec 152, the VOATM is translated into HPNA packet before forwarding them onto LAN, read on without IP, dedicated voice network, logical voice network); said network device configured to generate voice packets that include said digitized voice, digitized voiceband data and digitized phone signaling, wherein said packets conform to a set of protocols that excludes IP; and said network device configured to transmit said packets via said local area network, using priority levels wherein a time sensitivity has a highest priority level, being HPNA using telephone line wherein converting and translating are performing by telephone adapter (Fig 16, Ref 1602, 1604 and 1606 for generating a packet from the received digitized signals such voice, voiceband and signaling according to HPNA protocol version 2 which implicitly support priority assigned wherein voice packet has a high priority than the data packet for transmitting via HPNA wherein the IP excludes from LAN; See Pages 2, Sec 32 to Page 3, Sec 47; See Pages 6-7, Sec 74, 77, 78, 80-88; Page 11, sec 120, Page 15, sec143, 152; Page 16, Sec 160-165, Page 21-26, Sec 216-267). However, Rabenko fails to disclose a step of by setting a field in a frame header of the voice packets associated the digitized voice and digitized voiceband indicating that the voice packets have a highest priority. In the same field, Rochberger discloses a method and system for setting a priority value into the a priority field of Ethernet frame for transporting a time sensitivity payload (Col. 6, lines 13-20).

Since, Rabenko suggests that HPNA version 2 protocol is similar to the Ethernet protocol and supports three bits priority (8 priority levels). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to apply a priority field as disclosed

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by Rochberger into Rabenko's system and method. The motivation would have been to reduce the transmission delay of the time sensitivity data.

4. Claims 3, 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabenko and Rochberger as claims 1, 8, 15 and 18 further in view of Czajkowski (USP 6522647).

Rabenko disclose a method for transmitting voice over ATM. However, Rabenko and Rochberger do not disclose a packet for transmitting via LAN using HPNA protocol is AAL2. In the same field of endeavor, Czajkowski discloses a method for generating the AAL2 packets from the received digitized voice, voiceband and signaling signal to transmitting a telephone line (Fig 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply an adapter layer such AAL2 for generating a mini packet for transmitting via network as disclosed by Czajkowski's system and method into system and method of Rabenko and Rochberger. The motivation would have been to obtain a bandwidth efficient in the delay sensitive applications.

Response to Arguments

5. Applicant's arguments filed 11/15/04 have been fully considered but they are not persuasive.

In response to pages 7-8, the applicant states Rabenko is not (1) prior art based on provisional date of the published application and (2) the provisional applications do not support the published application. In reply with respect to (1), See Advisory action which mailed on

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10/4/04 wherein the provision date is a published date of the application; (2) See the final action which the examiner pointed out the portions that the published application and provisional application used to reject the claims.

In response to pages 9-11, the applicant states that Rabenko does not state “excluding IP, dedicated and logical voice network” by point out sec 51 and RTP portions. In reply, Rabenko discloses an universal system which supports a plurality of interface such RJ 11, USB etc and protocols such IP, ATM, Frame relay. However, the LAN is only support HPNA protocol for transporting ATM voice packets between the gateway and telephone via home phoneline.

In response to pages 11-13, the applicant states that Czajkowski does not includes the word such “small” or “size”. In reply, ALL 2 which is used to transport mini packet “mini cell having same size” at variable length is well known and expected in the art at the time of invention was made to insert them into ATM cell or Frame etc.... Furthermore, AAL 2 used to transport low bit rate voice, support silence suppression. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to look into Czajkowski’s method and system which use AAL 2 for carrying the low bit rate voice over DSL and apply this teaching into Rabenko’s system and method in order to obtain the advantages as set forth above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'Steven HD Nguyen', written over a horizontal line.

Steven HD Nguyen
Primary Examiner
Art Unit 2665
1/19/05